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8 Attorneys for Andrew Gibson

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10 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

11 United States of America,
12
13 Plaintiff,
14 v.
15 Andrew John Gibson,
16 Defendant.

Case No. 2:14-cr-00287-KJD-CWH

Stipulation to Continue Resentencing
(First Request)

17
18 It is stipulated and agreed, by and between Nicholas A. Trutanich, United States
19 Attorney, and Christopher Burton, Assistant United States Attorney, counsel for the United
20 States of America, and Rene L. Valladares, Federal Public Defender, and Wendi Overmyer
21 and Amy Cleary, Assistant Federal Public Defenders, counsel for Andrew Gibson that the
22 resentencing hearing currently scheduled on October 15, 2019, be vacated and continued to a
23 date and time convenient to the Court, but no sooner than fourteen (14) days.

24 This Stipulation is entered into for the following reasons:

25 1. On October 10, 2019, defense counsel was informed that the correctional
26 facility in Pahrump changed Mr. Gibson's medication that day, from Duloxetine to
Wellbutrin, to stabilize Mr. Gibson. The prior medication, Duloxetine, caused negative and

1 intrusive side effects. Mr. Gibson also receives daily medications of Oxcarbazapine for hip
2 pain and Buspirone for anxiety. In addition, Mr. Gibson suffers from Asperger's Syndrome, a
3 form of Autism. The new medication was previously successful in managing Mr. Gibson's
4 mental health issues, but does not reach its full effect for at least fourteen days and may take
5 up to six weeks. *See*, College of Psychiatric and Neurologic Pharmacists, "Burpropion
6 (Wellbutrin)," National Alliance on Mental Illness (NAMI) (Dec. 2018), available at:
7 [https://www.nami.org/Learn-More/Treatment/Mental-Health-Medications/Bupropion-](https://www.nami.org/Learn-More/Treatment/Mental-Health-Medications/Bupropion-(Wellbutrin))
8 (Wellbutrin).

9 2. The continuance will also permit defense counsel to further consult with Mr.
10 Gibson regarding resentencing issues.

11 3. Defendant Gibson is incarcerated and does not object to a continuance.

12 4. Denial of this request for continuance of the resentencing hearing would
13 potentially prejudice the Defendant and consume this Court's valuable resources.

14 5. Additionally, denial of this request for continuance could result in a
15 miscarriage of justice.

16 This is the first request for continuance filed herein.

17 DATED this 11th day of October, 2019.

18 RENE L. VALLADARES
19 Federal Public Defender

 NICHOLAS A. TRUTANICH
 United States Attorney

20 By /s/ Wendi Overmyer

 By /s/ Christopher Burton

21 WENDI OVERMYER
22 Assistant Federal Public Defender

 CHRISTOPHER BURTON
 Assistant United States Attorney

23 By /s/ Amy Cleary

24 AMY CLEARY
25 Assistant Federal Public Defender

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 ANDREW GIBSON,

7 Defendants.

Case No. 2:14-cr-00287-KJD-CWH

8 **ORDER**

9
10 Based on the Stipulation of counsel and good cause appearing,

11 IT IS THEREFORE ORDERED that the Resentencing Hearing currently scheduled on
12 October 15, 2019, at the hour of 9:00 a.m., be vacated and continued to November 6, 2019
13 at the hour of 9:00 a.m.

14 DATED this 11 day of October, 2019.

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17 UNITED STATES DISTRICT JUDGE
18 KENT J. DAWSON
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